

## Message Text

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PAGE 01 STATE 074549  
ORIGIN EB-08

INFO OCT-01 EA-12 ISO-00 L-03 FTC-01 COME-00 TRSE-00  
OMB-01 CIAE-00 INR-10 NSAE-00 STR-07 /043 R

DRAFTED BY EB/IFD/BP:T A SCHLENKER:BT  
APPROVED BY EB/IFD/BP:HARVEY J. WINTER  
FTC:J FISCHBACH  
L/EB:S BENSON  
EA/J:H COCHRAN

-----098134 231020Z /15

R 222346Z MAR 78  
FM SECSTATE WASHDC  
TO AMEMBASSY TOKYO

UNCLAS STATE 074549

OECD FOR INFO

E.O. 11652: N/A

TAGS: ETRD, JA, US

SUBJECT: ANTITRUST: JOHN DEERE LICENSING ARRANGEMENTS

1. DEPARTMENT HAS BEEN INFORMED BY FEDERAL TRADE COMMISSION THAT IT QUOTE IS CONDUCTING A PRELIMINARY NON-PUBLIC INVESTIGATION OF THE ARRANGEMENTS BETWEEN JOHN DEERE AND COMPANY, AN AMERICAN MANUFACTURER OF AGRICULTURAL MACHINERY, AND YANMAR DEISEL ENGINE CO. OF OSAKA. THE STAFF IS LOOKING INTO A NUMBER OF AGREEMENTS BETWEEN THE TWO COMPANIES IN ORDER TO ASCERTAIN WHETHER ANY ACTIVITIES IN VIOLATION OF SECTION 5 OF THE FEDERAL TRADE COMMISSION ACT, WHICH PROHIBITS UNFAIR METHODS OF COMPETITION, AND SECTION 7 OF THE CLAYTON ACT, WHICH PROHIBITS ACQUISITIONS OR JOINT VENTURES WHICH MIGHT TEND TO RESTRAIN COMPETITION, HAVE OCCURRED.

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2. QUOTE THE FACT THAT THE COMMISSION HAS OPENED A PRELIMINARY NON-PUBLIC INVESTIGATION SHOULD NOT BE TAKEN AS EVIDENCE THAT ANY VIOLATIONS HAVE TAKEN PLACE. NO COMPULSORY PROCESS IS AUTHORIZED AT THIS TIME, ALTHOUGH STAFF INTENDS TO WRITE A LETTER TO YANMAR REQUESTING THAT IT FURNISH INFORMATION ON A VOLUNTARY BASIS. UNQUOTE

3. EMBASSY IS REQUESTED TO INFORM THE SECOND INTERNATIONAL ORGANIZATION SECTION OF THE MINISTRY OF FOREIGN AFFAIRS OF THE ABOVE ACTION IN ACCORDANCE WITH 1967 OECD RECOMMENDATION ON NOTICE OF RESTRICTIVE BUSINESS PRACTICE ACTIONS AND REQUEST THAT THEY INFORM THE FAIR TRADE COMMISSION. VANCE

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LAW, ANTITRUST, FARM EQUIPMENT, INVESTIGATIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 22 mar 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 jan 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
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**Drafter:** T A SCHLENKER:BT  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780128-0001  
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**TAGS:** ETRD, JA, US, (DEERE, JOHN)  
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